IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 2092 OF 2006.

M/s.Elite Construction Co.Ltd. ... Applicant.

Versus.

State of Maharashtra & others. ... Respondents.

None for the Applicant.

Shri S.R.Shinde, A.P.P. for the Respondent-State.

CORAM : ABHAY S.OKA, J.

DATED : 18th December, 2006.

P.C.:

1. None for the Applicant. The Applicant is the Complainant in a complaint filed under section 138 read with section 141 of the Negotiable Instruments Act, 1881. By order dated 13th April 2005, the complaint was dismissed by exercising power under section 256 of the Code of Criminal Procedure, 1973. The said order has the effect of acquittal of the accused.

2. The remedy of filing an application under section 378(4) of the said Code of 1973 is available to the Applicant. In view of the availability of the said remedy, this Application under section 482 of the said Code of 1973 cannot be entertained. The Criminal Application is rejected. The rejection of this Application will not preclude the Applicant from availing of the statutory remedy.

Judge.